LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

(ISSN: 2583-7753)

Volume 1 | Issue 2

2023

© 2023 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com
Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal LegalResearch has decided to publish this submission as part of the publication.

In case of **any suggestions or complaints**, kindly contact info.lijdlr@gmail.com

To submit your Manuscript for Publication in the **LawFoyer International Journal of DoctrinalLegal Research,** To submit your Manuscript Click here

LEGAL ASPECTS OF MARRIAGE OF MENTALLY UNSTABLE INDIVIDUALS

Garima Sachan[1]

I. ABSTRACT

The legal aspects of marriage of mentally unstable individuals are complex and often raise ethical and moral questions. Marriage is a legal and social institution that confers a range of rights and obligations on individuals. For mentally unstable individuals, their ability to understand the nature and consequences of the marriage contract may be impaired, which gave rise to the question about their capacity to consent to marriage. Thus, it is essential to protect the rights and interests of mentally unstable individuals who may be vulnerable to exploitation or abuse.

II. KEYWORDS

Mentally unstable, unsoundness, legislations, marriage

III. INTRODUCTION

The institution of marriage is ancient and is often viewed as a means for individuals to procreate and raise a family together. Societal expectations and cultural values play a significant role in shaping individual expectations and experiences of marriage. The intersection of mental illness and marriage can add additional challenges and discrimination, primarily for women.

Conditions of unsound mind or insanity have been recognised by many nations' legal systems as legitimate grounds for either prohibiting marriage or annulling or severing nuptial ties. The situation is like this because mentally unstable individuals are considered to be unable to understand the nature and consequences of the marriage, thus, unable to give free consent which is an essential condition of a valid marriage as per Section 5(ii)(a) of HMA, 1955[2].

[1] Student at Hidayatullah National Law University.
[2] The Hindu Marriage Act, 1955, § 5(ii)(a), No. 25, Acts of Parliament, 1955 (India).

© 2023. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)

It is also taken into consideration that, if a mentally unstable individual enters into a marriage contract without the capacity to consent, the marriage may be voidable, as per Section 12(1)(b) of HMA, 1955[3]. We will further discuss about such legal aspects in the latter part of this article.

IV. MENTALLY UNSTABLE INDIVIDUAL

The World Health Organization (WHO) describes mental health as "a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community." While not being an established diagnosis, the word "mental instability" is fairly general and is used to describe a variety of mental health disorders.

Depression, bipolar illness, schizophrenia, anxiety disorders, and post-traumatic stress disorder are a few prevalent instances of mental health issues. A person suffering from such issues is considered as a mentally unstable individual.

V. LAWS REGARDING VALIDITY OF SUCH MARRIAGES

According to most marriage laws, both parties must be able to grasp the nature of the marriage, the obligations it implies, and the legal repercussions of it, in order to give the valid consent for the marriage.

In India, a number of laws govern the nullity of marriage. Some of them are discussed below:

- **THE HINDU MARRIAGE ACT, 1955[4]**

As per HMA a marriage is considered as valid marriage when neither of the concerned parties is of unsound mind. Hindu law considers a marriage to be declared as voidable if either of the party is –

  - is unable to give a legally binding consent due to mental incapacity, or

[3] The Hindu Marriage Act, 1955, § 12(1)(b), No. 25, Acts of Parliament, 1955 (India).
[4] The Hindu Marriage Act, 1955, No. 25, Acts of Parliament, 1955 (India).

- is mentally unfit for marriage and childbirth, or has been suffering from a mental illness of a kind or degree that disqualifies them from marriage and parenthood, or
- Has suffered from recurring attacks of lunacy.

- **THE PARSI MARRIAGE AND DIVORCE ACT, 1936[5]**

According to this legislation, a marriage can be declared null and void at either party's request in any situation where it cannot be consummated through natural means. The Parsi Marriage Laws states that insanity is not a reason to cancel a marriage.

- **THE SPECIAL MARRIAGES ACT, 1954[6]**

This law is applicable to everyone getting married in a civil ceremony, regardless of religion. The marriage can be annulled if either party has a mental disease that renders them unfit for marriage and childbearing, or they are unable of giving a legitimate agreement to the relationship because of their mental instability, or they frequently experience fits of insanity.

- **THE DISSOLUTION OF MUSLIM MARRIAGES ACT, 1939[7]**

A mentally ill person is not allowed to enter into a marriage, and if they do, the marriage is void according to Muslim law. Yet if the guardian of the mentally incapacitated individual thinks that the marriage is in his and society's best interests and is willing to take on all of the financial responsibilities, the union can go through and be accepted as real.

According to the law, insanity and sanity must be proven. The court makes a decision based on a combination of facts, including non-medical evidence. If the psychiatrist includes a description of the observable behaviour in the report, it will help the court. The petitioner has the burden of establishing the respondent's insanity.

VI. JUDICIAL PRONOUNCEMENTS

[5] The Parsi Marriage and Divorce Act, 1936, No. 03, Acts of Parliament, 1936 (India).
[6] The Special Marriages Act, 1954, No. 43, Acts of Parliament, 1954 (India).
[7] The Dissolution of Muslim Marriages Act, 1939, No. 08, Acts of Parliament, 1939 (India).

Anima Roy v. Prabadh Mohan Roy[8]

In this instance, two months after marriage, it was discovered that the respondent had schizophrenia. The respondent's psychiatrist could not pinpoint the exact moment that when the disease had started. As a result, it was determined that the disease at the time of marriage was not proven. As a result, the nullity was denied.

Kartik Chandra v. Manju Rani[9]

Three days into their marriage, the respondent in this case started acting strangely. Three months before to the exam, the responder had taken her matriculation exam. Taking note of the aforementioned information, the court assumed that she remained in this level of sane up until her marriage and that the recent collapse was not considered to be insanity at the time of marriage.

VII. REASONS TO DISQUALIFY MENTALLY ILL FROM MARRIAGE

The decision to allow a mentally ill person to marry is complex and requires consideration of various factors. The likelihood that a mentally unstable person might not be able to give a free and valid consent to marriage and realize the responsibilities of a marital relationship is the main legal justification for barring marriage of a person with a mental illness. A psychiatrist may believe that a person with a mental disorder is unsuited to marry because the strain of a new relationship could make their condition worse. Yet, not every person who suffers from a mental illness has the same degree of understanding and social functioning impairment. In order to determine whether a marriage is null, it is crucial to assess social adjustment, role functioning, and consenting ability.

The idea that marriage helps heal mental illness is widespread, however this factor varies. Family members frequently ask psychiatrists if creating an alliance would help with symptoms of serious psychiatric diseases. Psychiatrists should explain the

[8] Anima Roy V. Prabadh Mohan Roy, AIR 1969 Cal 304.
[9] Kartik Chandra V. Manju Rani, AIR 1973 Cal 545.

disorder's origin and progression to the guardians in these circumstances and dispel any misconceptions they may have about how to treat it.

VIII. REASONS TO ALLOW MENTALLY UNSTABLE INDIVIDUAL FOR MARRIAGE

Those who have previously experienced psychiatric illness are nonetheless able to get married and fulfil their marital obligations successfully with the right care. Nonetheless, continuing drugs is critical, as poor adherence is frequently connected with relapses.

Listed below are a few justifications for allowing mentally unstable people to marry:

- They have the right to marry: Mentally unstable individuals, like any other individual, have the right to marry and enjoy the benefits of marriage, such as companionship, emotional support, and legal protections.
- They have the capacity to consent: Mental health conditions do not necessarily mean that a person lacks the capacity to make informed and voluntary decisions. If an individual has the capacity to understand the nature and consequences of marriage, they can consent to enter into a marital relationship.
- Marriage can improve mental health: According to studies, marriage can improve one's mental health and general wellbeing. For individuals with mental health conditions, marriage can provide stability, social support, and a sense of purpose.

IX. CONCLUSION

Those with mental health issues should not be deterred by the law from receiving treatment or getting married. The law's intent is to annul marriages only when mental instability is serious and impairs the performance of fundamental marital obligations. There should be a legal clause stating that having a history of mental illness should not be an impediment to marriage. Marriage should not be void because of past mental illness treatment or failure to report it. In order to reduce pointless nullification claims and protect the honour of the law and each individual's dignity, psychiatrists and courts ought to collaborate.

People should not be discouraged from obtaining treatment or getting married because of the stigma around mental illness. Marriages can give people with mental health issues stability, support, and a sense of purpose. It is critical to give people with mental health disorders the proper support and direction so they can make wise decisions about their relationships. The objective should be to protect the rule of law and individual rights while avoiding the nullification of marriages because of mental health issues.

X. REFERENCES

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4539879/#sec1-4title

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4649801/#ref1

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2918313/

https://journals.lww.com/indianjpsychiatry/Fulltext/2015/57002/Social_and_legal_aspects_of_marriage_in_women_with.18.aspx

https://www.tandfonline.com/doi/abs/10.1080/09540260701278903